

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 05-26 E
)
GEORGE L. EBERLE)

ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2005, upon consideration of the foregoing Motion to Compel Discovery, it is hereby ORDERED, ADJUDGED, AND DECREED that said motion is granted subject to the following conditions:

1. The government shall either copy or make available for reproduction all material taken from the defendant's work and defendant's residence pursuant to his consent including but not limited to any computers, discs, CD ROMS, videos, pictures, and e-mail message logs. The defendant may make two copies of this material, one that can be preserved by defense counsel as a "control" copy and one copy that can be examined by a defense expert.
2. Any and all material provided by the government shall be considered contraband and kept by defense counsel in a locked, secure place accessible only to defense counsel. The following individuals may examine the material:
 - (a) counsel for defendant;
 - (b) the defendant, with counsel present;
 - (c) any expert retained by the defendant to assist in the defense of this case;
 - (d) one investigator and the computer systems analyst (CSA) employed by the Federal Public Defenders Office.
3. A copy of the contraband material may be provided to any expert(s) retained by the defendant to assist in the defense of this case. Any expert(s) retained by defense counsel to examine the contraband material shall keep the contraband material in a locked secure place accessible only to the defense expert(s). The defense expert(s) shall not copy or disseminate the contraband material or provide access to the contraband material by anyone without further order

of court.

4. The defendant shall serve any person who is given access to the contraband material pursuant to this Order with a copy of this Order.

5. The defendant shall file with the Court, under seal, and *ex parte*, a notice containing:

(a) the names of all individuals who are given access to the contraband material provided pursuant to this Order;

(b) the make, model and serial number of any computer utilized to view or examine the contraband material; and

(c) documentation certifying that sufficient measures have been taken to ensure that any and all computers utilized to view or examine the contraband material are secure such that the contraband material cannot be accessed in contravention of this Order. A copy of said notice shall be provided to the government only upon a sufficient showing by the government that the contraband material has been disseminated.

6. The defendant shall return to the government any and all contraband material provided by the government pursuant to this Order at the conclusion of the case. In addition, the defendant shall be required to certify that no contraband material remains on any computer used to view or examine the contraband materials provided pursuant to this Order.

HONORABLE SEAN J. McLAUGHLIN
United States District Judge

cc: Thomas W. Patton, AFPD
Christian A. Trabold, AUSA